

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

5:07cr27

UNITED STATES OF AMERICA

vs.

RUSSELL LEE CARRUTH

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se to defer restitution until he is released from custody (Doc. No. 31) and the government's response in opposition (Doc. No. 32).

The defendant is serving a sentence at the Estill (South Carolina) Federal Correctional Institution following his conviction for two bank robberies. (Doc. No. 27: Judgment). The Court ordered that payment of the financial penalties was to begin immediately. (Id. at 5). The Court recommended that the defendant participate in the Bureau of Prisons (BOP) Inmate Financial Responsibility Program (IFRP), and ordered that any balance remaining after imprisonment be paid in monthly installments while on supervised release. (Id. at 2, 5).

The defendant claims that he can not afford to pay the \$4,030 restitution demanded of him by the BOP. (Doc. No. 31: Motion at 2). Typically, defendants may volunteer to participate in the IFRP, which qualifies them for certain benefits. 28 C.F.R. § 545.11 et seq. A team at a prison facility considers inmates' financial information, monitors the amount of money in trust accounts, and determines the required monthly payment for participation in the program. The defendant has not provided any detail about the BOP's efforts to collect restitution owed by him. The choice remains his whether to participate in the IFRP.

**IT IS, THEREFORE, ORDERED**, that the defendant's motion to defer restitution (Doc. No. 31) is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, Russell Lee Carruth, Reg. No. 14210-057, FCI Estill, P.O. Box 699, Estill, SC 29918; counsel for the defendant; the United States Attorney; the United States Marshals Service; and the United States Probation Office.

Signed: March 15, 2011

A handwritten signature in dark ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

